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32 UNITED STATES DISTRICT COURT  
33 DISTRICT OF NEVADA

34 LAS VEGAS SUN, INC., a Nevada  
35 corporation,

36 Case No. 2:19-CV-01667

37 Plaintiff,

38 v.  
39 **OBJECTION TO NOTICE OF RELATED  
40 CASE**

41 SHELDON ADELSON, an individual and as  
42 the alter ego of News+Media Capital Group  
43 LLC and as the alter ego of Las Vegas Review  
44 Journal, Inc.; PATRICK DUMONT, an  
45 individual; NEWS+MEDIA CAPITAL GROUP  
46 LLC, a Delaware limited liability company;  
47 LAS VEGAS REVIEW-JOURNAL, INC., a  
48 Delaware corporation; and DOES, I-X,  
49 inclusive,

50 Defendants.

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1 Plaintiff Las Vegas Sun, Inc. (“Sun”), through its counsel of record, hereby submits this  
 2 Objection to the Notice of Related Case filed by Defendants Sheldon Adelson, Patrick Dumont,  
 3 News+Media Capital Group LLC, and Las Vegas Review Journal, Inc. (collectively “Defendants”),  
 4 purportedly pursuant to LR 42-1.

5 Under LR 42-1:

6 An action may be considered to be related to another action when:  
 7 (1) Both actions involve the same parties and are based on the same  
 8 or similar claim; (2) Both actions involved the same property,  
 9 transaction, or event; (3) Both actions involve similar questions of  
 10 fact and the same question of law, and their assignment to the same  
 11 district judge or magistrate judge is likely to effect a substantial  
 12 savings of judicial effort; (4) Both actions involve the same patent,  
 13 trademark, or copyright, and one of the factors identified in (1), (2),  
 14 or (3) above is present; or (5) For any other reason, it would entail  
 15 substantial duplication of labor if the actions were heard by different  
 16 district judges or magistrate judges.

17 The instant case and Defendants’ referenced case are not related here. Instead, Defendants’ Notice  
 18 bears indicia of forum shopping. *Greenspun v. Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-  
 19 PAL should not be considered to be a related action to *Las Vegas Sun, Inc. v. Adelson, et al.*, 2:19-  
 20 CV-01667-RFB-BNW. The two cases fail to meet the criteria set forth in LR 42-1.

21 First, the two actions do not involve the same parties. The Plaintiffs in *Greenspun v.*  
 22 *Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-PAL were individuals and trusts (Brian L.  
 23 Greenspun, The Brian L. Greenspun Separate Property Trust, and the Amy Greenspun Arenson  
 24 2010 Legacy Trust), distinct from the Plaintiff in this action: the Las Vegas Sun, Inc.. The  
 25 Defendants in *Greenspun v. Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-PAL, including  
 26 Stephens Media LLC, Stephens Holding Company of Arkansas, SF Holding Corp., DR Partners,  
 27 Stephens Media Group, Stephens Media Group, Stephens Media Intellectual Property LLC, Warren  
 28 A. Stephens, and Michael Ferguson, are also distinct from the Defendants in this action: Sheldon  
 Adelson, Patrick Dumont, News+Media Capital Group LLC, and Las Vegas Review-Journal, Inc.

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1       Second, the two actions are not based upon the same or similar claims. *Greenspun v.*  
2 *Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-PAL involved claims brought by Mr. Brian  
3 Greenspun, his daughter Amy Greenspun Arenson, and their family trusts, in their capacities as  
4 subscribers to the Las Vegas Review-Journal and/or minority shareholders in Las Vegas Sun, Inc.,  
5 to prevent a proposed transaction transferring ownership of a Mark and Domain Name License  
6 Agreement for the URL vegas.com from Stephens Media Intellectual Property LLC to Vegas.com,  
7 LLC, in exchange for Las Vegas Sun, Inc.'s agreement to terminate its 2005 Joint Operating  
8 Agreement between the Las Vegas Sun and Stephens Media LLC and to convey the URL  
9 lasvegassun.com to Stephens Media Intellectual Property LLC. In contrast, *Las Vegas Sun, Inc. v.*  
10 *Adelson, et al.*, 2:19-CV-01667-RFB-BNW is an action aimed at the predatory and anti-competitive  
11 business conduct of Sheldon Adelson, his son-in-law Patrick Dumont, and their media companies  
12 formed in late 2015, News+Media Capital Group LLC, and Las Vegas Review-Journal, Inc., aimed  
13 at running the Las Vegas Sun newspaper out of business following Mr. Adelson's December 2015  
14 purchase of the Las Vegas Review-Journal from GateHouse Media LLC. The allegations in *Las*  
15 *Vegas Sun, Inc. v. Adelson, et al.*, 2:19-CV-01667-RFB-BNW, distinct from the 2013 case  
16 referenced in Defendants' Notice, involve anti-competitive conduct from December 10, 2015  
17 through to the current date, including: (1) removing a publisher with a proven record of reversing  
18 negative business trends, and installing a replacement publisher to execute a predatory scheme to  
19 eliminate the Las Vegas Sun; (2) abusing the Review-Journal's control over operations and  
20 advertising of the two newspapers (and the accounting thereof) in such a way so as to either put the  
21 Las Vegas Sun out of business or to so diminish its value that the Sun would be forced to sell to the  
22 Review-Journal at a fire-sale price; (3) redesigning the Review-Journal's front page and the Sun's  
23 box with the purpose of making the Sun's presence on the Review-Journal's front page less  
24 noticeable and selling advertising products concealing the Sun's front page presence; and (4)  
25 threatening involuntary termination of the 2005 Joint Operating Agreement.

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1       As described above, the two actions do not involve the same property, transactions, or  
2 events. *Las Vegas Sun, Inc. v. Adelson*, et al., 2:19-CV-01667-RFB-BNW, only involves anti-  
3 competitive conduct of the Defendants between December 10, 2015, and the current date.  
4 *Greenspun v. Stephens Media LLC, et al.*, 2:13-cv-01494-JCM-PAL involves an effort to prevent  
5 a proposed transaction between various separate parties in August, 2013.

6       Similarly, the two actions do not involve similar questions of fact or the same  
7 questions of law and their assignment to the same district judge is unlikely to effect a substantial  
8 savings of judicial effort. There would be no “duplication of labor” as the parties, facts, questions  
9 of law are so dissimilar. Given the dissimilarity of the parties and the conduct alleged in the two  
10 complaints, there will be no duplication of labor were *Las Vegas Sun, Inc. v. Adelson*, et al., 2:19-  
11 CV-01667-RFB-BNW to remain as currently assigned. Moreover, the passage of time alone is  
12 further evidence these actions are not related. *Greenspun v. Stephens Media LLC, et al.*, 2:13-cv-  
13 01494-JCM-PAL has been terminated for approximately six years. Since then, the Las Vegas  
14 Review Journal has changed ownership two times, and its new owners have sought a campaign of  
15 anti-competitive conduct targeted to diminish its only competitor. *See* ECF No. 1.

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1 In sum, the cases are not based upon the same claims or parties, not based upon the same  
2 transactions or events, and not based upon the same questions of fact or law. As such, they are not  
3 related under any of the factors under LR 42-1. There would be no convenience, expense, or time  
4 saved—in fact it would be the opposite—and moreover, it would only cause “prejudice  
5 and . . . confusion” given the dissimilarities in the cases. *See, e.g., Narvaes v. EMC Mortg. Corp.*<sub>2</sub>  
6 No. CIV 07-00621 HG-LEK, 2009 WL 1269733, at \*2 (D. Haw. May 1, 2009) (citing *Huene v.*  
7 *United States*, 743 F.2d 703, 704 (9th Cir. 1984) and *Johnson v. Celotex Corp.*, 899 F.2d 1281,  
8 1285 (2d Cir. 1990)).

DATED this 30<sup>th</sup> day of October, 2019.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Lewis Roca Rothgerber Christie LLP, and that on this date, I caused the foregoing **OBJECTION TO NOTICE OF RELATED CASE** to be served by electronically filing the foregoing with the CM/ECF electronic filing system, which will send notice of electronic filing to the following:

J. Randall Jones, Esq.  
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Mona Kaveh, Esq.  
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I further certify that a copy of the foregoing document was sent by electronic mail to the following:

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DATED this 30<sup>th</sup> day of October, 2019.

/s/ Autumn D. McDannald

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An employee of Lewis Roca Rothgerber Christie LLP